

LEADCASE

**United States District Court
District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:07-cv-01969-GAG**

Russell-Nelson et al v. Medtronic, Inc. et al
Assigned to: Judge Gustavo A. Gelpi
Demand: \$150,000
Member case: ([View Member Case](#))
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 10/15/2007
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

George Russell-Nelson

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Date Filed	#	Docket Text
10/15/2007	1	COMPLAINT <i>and Jury Demand</i> against all defendants (Filing fee \$ 350.), filed by all plaintiffs. (Attachments: # 1)(Nevares, John) (Entered: 10/17/2007)
10/15/2007	2	Summons Issued as to Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co., Medtronic, Inc.Service due by 2/15/2008. (al) (Entered: 10/19/2007)
10/24/2007	3	MOTION to Consolidate Cases <i>MOTION TO TRANSFER AND CONSOLIDATE</i> filed byJohn F. Nevares on behalf of all plaintiffs (Nevares, John) (Entered: 10/24/2007)
10/25/2007	4	ORDER granting 3 Motion to Consolidate Cases, subject to Judge Garcia Gregory's approval . Signed by Judge Gustavo A. Gelpi on 10/25/07. (sm) (Entered: 10/25/2007)
10/26/2007	5	MOTION to Amend/Correct <i>Motion for Appointment of Liaison Counsel and Plaintiffs' Committee (Dkt. 5 on Case 07-1971)</i> filed byJohn F. Nevares on behalf of all plaintiffsSuggestions in opposition/response due by 11/13/2007 (Nevares, John) (Entered: 10/26/2007)
10/26/2007	6	ORDER noted 5 Motion to Amend/Correct . This motion shall be refiled once all other cases are formally consolidated. Signed by Judge Gustavo A. Gelpi on 10/26/07. (Gelpi, Gustavo) (Entered: 10/26/2007)
10/30/2007	7	MEMORANDUM OF THE CLERK: Pursuant to the ORDER entered by Judge Francisco A. Besosa on October 26, 2007, in CV 07-2014, said case is hereby consolidated with CV 07-1969 (GAG). All future pleadings shall bear the captions of both cases and the initials of Judge Gustavo A. Gelpi next to the case numbers. Signed by Clerk on 10/30/07. (li,) (Entered: 10/30/2007)
10/30/2007	8	MEMORANDUM OF THE CLERK: Pursuant to the ORDER entered by Judge Francisco A. Besosa on October 29, 2007, in CV 07-2021, said case is hereby consolidated with CV 07-1969 (GAG). All future pleadings shall bear the captions of all consolidated cases and the initials of Judge Gustavo A. Gelpi next to the case numbers. Signed by Clerk on 10/30/07. (li,) (Entered: 10/30/2007) (Entered: 10/30/2007)
10/30/2007	9	Letter from U.S. Judicial Panel on Multidistrict Litigation. (cm) (Entered: 10/30/2007)
10/30/2007	10	ORDER This letter shall be made part of the record civil 07-1969 (GAG) re 9 Letter from U.S. Judicial Panel on Multidistrict Litigation. Signed by Judge Gustavo A. Gelpi on 10/25/2007. (cm) (Entered: 10/30/2007)
10/30/2007	11	MOTION to Appoint Counsel <i>Motion for Appointment of Liaison Counsel</i> filed byJohn F. Nevares on behalf of all plaintiffsSuggestions in opposition/response due by 11/16/2007 (Nevares, John) (Entered: 10/30/2007)

		10/30/2007)
10/30/2007	12	ORDER granting 11 Motion to Appoint Counsel . Attorney John F. Nevares is hereby appointed liason counsel for all the consolidated cases before the undersigned. Signed by Judge Gustavo A. Gelpi on 10/30/07. (Gelpi, Gustavo) (Entered: 10/30/2007)
10/31/2007	13	INFORMATIVE Motion regarding Attorneys not included in Motions filed byJohn F. Nevares on behalf of all plaintiffs (Nevares, John) (Entered: 10/31/2007)
11/01/2007	14	ORDER noted 13 INFORMATIVE motion . Signed by Judge Gustavo A. Gelpi on 11/1/07. (sm) (Entered: 11/01/2007)
11/02/2007	15	SUMMONS Returned Executed by George Russell-Nelson upon Medtronic Puerto Rico, Inc. served on 10/29/2007, answer due 11/20/2007. (Nevares, John) (Entered: 11/02/2007)
11/02/2007	16	SUMMONS Returned Executed by George Russell-Nelson upon Medtronic Puerto Rico Operations Co. served on 10/29/2007, answer due 11/20/2007. (Nevares, John) (Entered: 11/02/2007)
11/05/2007	17	ORDER These cases have been consolidated, being the lead case 07-1969. All further pleadings shall be filed in lead case . Signed by Judge Gustavo A. Gelpi on 11/5/07. (sm) (Entered: 11/05/2007)
11/06/2007	18	ORDER RE: PLAINTIFFS' COMPILATION OF RULE 26(a) DISCOVERY, Set Deadlines Local Plaintiffs' Counsel for all cases shall meet IN PERSON on or before 12/5/2007; Plaintiffs' lead counsel shall file an informative motion by 12/15/2007. Signed by Judge Gustavo A. Gelpi on 11/6/07. (sm) (Entered: 11/06/2007)
11/07/2007	19	MOTION to Stay <i>Proceedings Pending Determination by the Joint Panel on Multidistrict Litigation</i> filed byRaul M. Arias-Marxuach on behalf of Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co.Suggestions in opposition/response due by 11/26/2007 (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E) (Arias-Marxuach, Raul) (Entered: 11/07/2007)
11/08/2007	20	Corporate Disclosure Statement byMedtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co.. (Arias-Marxuach, Raul) (Entered: 11/08/2007)
11/08/2007	21	COPY OF ORDER entered on consolidated case 07-2064 (GAG), Dkt. 2: This case is hereby consolidated with 07-1969 (GAG) and other cases previously consolidated therewith. . Signed by Judge Gustavo A. Gelpi on 11/8/07. (sm) (Entered: 11/08/2007)
11/08/2007	22	ORDER noted 20 Corporate Disclosure Statement filed by Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co. . Signed by Judge Gustavo A. Gelpi on 11/8/07. (sm) (Entered: 11/08/2007)

11/12/2007	23	RESPONSE in Opposition to Motion filed by all plaintiffs Re: 19 MOTION to Stay <i>Proceedings Pending Determination by the Joint Panel on Multidistrict Litigation</i> filed by Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co. filed by all plaintiffs. (Quetglas, Jose) (Entered: 11/12/2007)
11/13/2007	24	ORDER denying without prejudice 19 Motion to Stay . At this time, the court expects plaintiffs to comply with the court's order (Docket No. 18). Defendants need not do anything until the date specified therein. Once the court receives plaintiff's informative motion due on 12/15/07 it will entertain any renewed requests for a stay, if by then the MDL panel has not yet made a decision. Signed by Judge Gustavo A. Gelpi on 11/13/07. (Gelpi, Gustavo) (Entered: 11/13/2007)
11/13/2007	25	NOTICE of Appearance by Nestor Duran-Gonzalez on behalf of Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co. (Duran-Gonzalez, Nestor) (Entered: 11/13/2007)
11/15/2007		Filing Fee Received \$ 150.00, receipt number 173279 Re:PHV Rebecca Bedwell-Coll; receipt number 173280 \$150.00 Re:PHV Wendy R. Fleishman; receipt number 173281 \$150.00 Re:PHV Elizabeth J. Cabraser. (ne) (Entered: 11/15/2007)
11/15/2007	26	WAIVER OF SERVICE Returned Executed by George Russell-Nelson, Annabelle Anasta, Donald Tucker, Misty Tucker. Medtronic, Inc. waiver sent on 11/8/2007, answer due 1/8/2008. (Nevares, John) (Entered: 11/15/2007)
11/15/2007	27	MEMORANDUM in Opposition 19 Defendant Medtronic's Motion to Stay all Proceedings filed by all plaintiffs Re: 23 Response in Opposition to Motion, filed by George Russell-Nelson, Annabelle Anasta, Misty Tucker, Donald Tucker, [24] Order on Motion to Stay,, filed by all plaintiffs. (Nevares, John) Modified on 11/20/2007 creating link and lack of certificate of service (np). (Entered: 11/15/2007)
11/15/2007	28	Motion to allow Charles S. Zimmerman to appear pro hac vice (Pro Hac fee \$150 receipt number 173278) filed byPHV Charles S. Zimmerman on behalf of David Wood (np) (Entered: 11/16/2007)
11/15/2007	29	Motion to allow Wendy R. Fleishman to appear pro hac vice (Pro Hac fee \$150 receipt number 173280) filed byPHV Wendy Fleishman on behalf of George Russell-Nelson, Annabelle Anasta, Donald Tucker, Misty Tucker (np) (Entered: 11/16/2007)
11/15/2007	30	Motion to allow Elizabeth J. Cabraser to appear pro hac vice (Pro Hac fee \$150 receipt number 173281) filed byPHV Elizabeth J. Cabraser on behalf of George Russell-Nelson, Annabelle Anasta, Donald Tucker, Misty Tucker (np) (Entered: 11/16/2007)
11/15/2007	31	Motion to allow Rebecca Bedwell-Coll to appear pro hac vice (Pro Hac fee \$150 receipt number 173279) filed byPHV Rebecca Bedwell-Coll on behalf of George Russell-Nelson, Annabelle Anasta, Donald Tucker, Misty Tucker (np) (Entered: 11/16/2007)

11/16/2007	32	WAIVER OF SERVICE Returned Executed by George Russell-Nelson, Frederick Santitoro, Annabelle Anasta, Donald Tucker, Misty Tucker. Medtronic, Inc. waiver sent on 11/8/2007, answer due 1/8/2008. (Nevares, John) Modified on 11/20/2007 adding data (np). (Entered: 11/16/2007)
11/16/2007	33	ORDER granting 28 Motion to allow Charles S. Zimmerman to appear pro hac vice approved by Clerk of Court. Signed by Judge Gustavo A. Gelpi on 11/16/2007. (MH) (Entered: 11/16/2007)
11/16/2007	34	ORDER granting 29 Motion to allow Wendy R. Fleishman to appear pro hac vice approved by Clerk of Court. Signed by Judge Gustavo A. Gelpi on 11/16/2007. (MH) (Entered: 11/16/2007)
11/16/2007	35	ORDER granting 30 Motion to allow Elizabeth J. Cabraser to appear pro hac vice approved by Clerk of Court. Signed by Judge Gustavo A. Gelpi on 11/16/2007. (MH) (Entered: 11/16/2007)
11/16/2007	36	ORDER granting 31 Motion to allow Rebecca Bewell-Coll to appear pro hac vice approved by Clerk of Court. Signed by Judge Gustavo A. Gelpi on 11/16/2007. (MH) (Entered: 11/16/2007)
11/21/2007	37	MOTION to Vacate Order for the Preservation of Evidence Issued in Member Case No. 07-1971(GAG) and for Entry of Substitute Order filed by Raul M. Arias-Marxuach on behalf of Medtronic Puerto Rico, Inc., Medtronic Puerto Rico Operations Co., Medtronic, Inc. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Text of Proposed Order)(Arias-Marxuach, Raul) (Entered: 11/21/2007)
11/26/2007	38	ORDER noted 37 Motion for Miscellaneous Relief Joint Notice of Compliance Deadline due by 11/29/2007; simultaneous memoranda filing deadline 12/4/07 at 5:00 p.m. est. . The Court, having reviewed Medtronic Inc.'s Motion regarding the preservation of evidence(Docket No. 37), hereby ORDERS the parties to meet via teleconference on or before Thursday, November 29, 2007 at noon e.s.t.. The order issued in 07-1971(GAG)(Docket No. 14) was an ex-parte TRO-type order intended to be in effect until Medtronic Inc. appeared in this action. A new preservation order must issue, allowing all parties to present their respective position in a meaningful manner. The parties at the teleconference shall in good faith endeavor to agree to a mutually acceptable preservation of evidence order. It is in the best interest of all parties to the consolidated Puerto Rico cases to agree to such an order, or to as many parts of such an order. If the parties remain at an impasse as to any issue, following their meeting, they shall on or before Tuesday, December 4, 2007 at 5:00 p.m. file simultaneous memoranda on these unresolved issues. The Court will promptly act on the matter. Upon reaching any agreement(s) the parties shall file a proposed order(s). The court's existing order for preservation of evidence (Docket No. 14 in Civil 07-1971) shall remain in effect until a new one is issued. Any request for extension of the above deadlines will only be granted if it is a joint one. Signed by Judge Gustavo A. Gelpi on 11/26/07. (Gelpi, Gustavo) (Entered: 11/26/2007)

11/27/2007	39	MOTION to Consolidate Cases <i>Motion to Consolidate Case Nos. 07-2049 and 07-2050 into 07-1969</i> filed by John F. Nevares on behalf of all plaintiffs (Nevares, John) (Entered: 11/27/2007)
11/27/2007	40	ORDER granting, subject to the approval of Judges Cerezo and Garcia-Gregory, 39 Motion to Consolidate Cases . Signed by Judge Gustavo A. Gelpi on 11/27/07. (sm) (Entered: 11/27/2007)
11/30/2007		Filing Fee Received \$ 150.00, receipt number 173448 Re:PHV Hunter J. Shkolnik. (ne) (Entered: 11/30/2007)
11/30/2007	41	NOTICE of <i>Fling Amended Complaint as of Course</i> by Pedro J Campo-Collazo, Aurea Rivera-Bermudez, Primitivo Velez-Santana, Luciano Morales-Rodriguez, Vito Verzura, Antonio Rivera, Ruth Suarez, Charles Martinez-Suarez, Suzanne Martinez-Suarez, Wilfredo Martinez-Suarez, Nereida Garcia-Martinez, Luis H. Martinez-Rivera, Maria Lugo-Hernandez, Luz Nereida Ortiz, Rita Verzura, Francisca Felix, Luis Martinez, Aurea Rivera, Gilberto Colon-Perez, Maria E. Mojica-Mojica, Heriberto Esqueldo, Wilfredo Martinez, Humberto Hugobono, Wilfredo Izquierdo-Rodriguez, Rosa Otero-Rivera, Luis E. Alfonso-Diaz, Pedro S. Cintron, Ruiz Dael Gonzalez-Sierra, Santiago Ortiz-Castro, Ramon Viera, Gloria Pacheco, Carolee Serrano-Rosario, Jose Luis Rivera-Fernandez, Marigloria Campo, Juan Torres-Quinones, Pedro Rodriguez, David Ramos, Manuel Soto-Rodriguez, Lorenzo Aponte-Matos, Jose B. Patovani-Flores, Richard F. Lee (Quetglas-Jordan, Eric) (Entered: 11/30/2007)
11/30/2007	42	AMENDED COMPLAINT against all defendants, filed by Pedro J Campo-Collazo, Aurea Rivera-Bermudez, Primitivo Velez-Santana, Luciano Morales-Rodriguez, Vito Verzura, Antonio Rivera, Ruth Suarez, Charles Martinez-Suarez, Suzanne Martinez-Suarez, Wilfredo Martinez-Suarez, Nereida Garcia-Martinez, Luis H. Martinez-Rivera, Conjugal Partnership Velez-Lugo, Conjugal Partnership Campo-Garcia, Maria Lugo-Hernandez, Luz Nereida Ortiz, Conjugal partnership Morales-Ortiz, Rita Verzura, Conjugal Partnership Verzura-Verzura, Francisca Felix, Conjugal Partnership Viera-Felix, Luis Martinez, Conjugal Partnership Martinez-Rivera, Aurea Rivera, Gilberto Colon-Perez, Maria E. Mojica-Mojica, Heriberto Esqueldo, Wilfredo Martinez, Humberto Hugobono, Wilfredo Izquierdo-Rodriguez, Rosa Otero-Rivera, Luis E. Alfonso-Diaz, Pedro S. Cintron, Ruiz Dael Gonzalez-Sierra, Santiago Ortiz-Castro, Ramon Viera, Gloria Pacheco, Carolee Serrano-Rosario, Jose Luis Rivera-Fernandez, Marigloria Campo, Juan Torres-Quinones, Pedro Rodriguez, David Ramos, Manuel Soto-Rodriguez, Lorenzo Aponte-Matos, Jose B. Patovani-Flores, Richard F. Lee. Service due by 4/1/2008,(Quetglas-Jordan, Eric) (Entered: 11/30/2007)
11/30/2007	43	ORDER noted 41 Notice (Other), filed by Wilfredo Martinez-Suarez, Luciano Morales-Rodriguez, Primitivo Velez-Santana, Gloria Pacheco, Francisca Felix, Ruiz Dael Gonzalez-Sierra, Rosa Otero-Rivera, Ramon Viera, Aurea Rivera, Rita Verzura, Humberto Hugobono, Luis E. Alfonso-Diaz, Nereida Garcia-Martinez, Vito Verzura, Santiago Ortiz-Castro, Richard F. Lee, Gilberto Colon-Perez, David Ramos, Jose B.

		Patovani-Flores, Aurea Rivera-Bermudez, Luis Martinez, Maria Lugo-Hernandez, Manuel Soto-Rodriguez, Luis H. Martinez-Rivera, Jose Luis Rivera-Fernandez, Antonio Rivera, Lorenzo Aponte-Matos, Wilfredo Izquierdo-Rodriguez, Heriberto Esqueldo, Suzanne Martinez-Suarez, Carolee Serrano-Rosario, Pedro J Campo-Collazo, Pedro Rodriguez, Charles Martinez-Suarez, Pedro S. Cintron, Juan Torres-Quinones, Luz Nereida Ortiz, Wilfredo Martinez, Maria E. Mojica-Mojica, Ruth Suarez, Marigloria Campo . Signed by Judge Gustavo A. Gelpi on 11/30/07. (sm) (Entered: 11/30/2007)
11/30/2007	44	Motion to allow Hunter J. Shkolnik to appear pro hac vice (Pro Hac fee \$150 receipt number 173448) filed byHunter J. Shkolnik on behalf of George Russell-Nelson, Annabelle Anasta, Donald Tucker, Misty Tucker. (np) (Entered: 12/03/2007)

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